

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00609-BAH**

JAMES MADISON PROJECT et al v. CENTRAL
INTELLIGENCE AGENCY et al
Assigned to: Chief Judge Beryl A. Howell
Cause: 05:552 Freedom of Information Act

Date Filed: 03/05/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JAMES MADISON PROJECT

represented by **Mark Steven Zaid**
LAW OFFICES OF MARK S. ZAID,
P.C.
1250 Connecticut Avenue, NW
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(202) 454-2809
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bradley Prescott Moss
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ATTORNEY TO BE NOTICED

Plaintiff

ADAM ENTOUS

represented by **Mark Steven Zaid**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bradley Prescott Moss
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**CENTRAL INTELLIGENCE
AGENCY**

represented by **Sean Michael Tepe**
U.S. DEPARTMENT OF JUSTICE
555 Fourth Street, NW
Washington, DC 20530
202-252-7566
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Jason Todd Cohen
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
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202-252-2523
Email: jason.cohen@usdoj.gov
TERMINATED: 11/21/2019

Defendant

DEPARTMENT OF STATE

represented by **Sean Michael Tepe**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jason Todd Cohen
(See above for address)
TERMINATED: 11/21/2019

Defendant

DEPARTMENT OF JUSTICE

represented by **Sean Michael Tepe**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jason Todd Cohen
(See above for address)
TERMINATED: 11/21/2019

Defendant

DEPARTMENT OF DEFENSE

represented by **Sean Michael Tepe**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jason Todd Cohen
(See above for address)
TERMINATED: 11/21/2019

Defendant

DEPARTMENT OF COMMERCE

represented by **Sean Michael Tepe**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jason Todd Cohen
(See above for address)
TERMINATED: 11/21/2019

Defendant

**U.S. AGENCY FOR
INTERNATIONAL DEVELOPMENT**

represented by **Sean Michael Tepe**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jason Todd Cohen
(See above for address)
TERMINATED: 11/21/2019

Date Filed	#	Docket Text
03/05/2019	<u>1</u>	COMPLAINT against CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT (Filing fee \$ 400 receipt number 0090-5981678) filed by ADAM

		ENTOUS, JAMES MADISON PROJECT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit Rule 7.1 certification, # <u>3</u> Summons CIA, # <u>4</u> Summons DOJ, # <u>5</u> Summons Commerce, # <u>6</u> Summons State, # <u>7</u> Summons DoD, # <u>8</u> Summons USADC, # <u>9</u> Summons USAG, # <u>10</u> Summons USAID)(Moss, Bradley) (Entered: 03/05/2019)
03/05/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests. (zef,) (Entered: 03/05/2019)
03/05/2019		Case Assigned to Chief Judge Beryl A. Howell. (zef,) (Entered: 03/05/2019)
03/05/2019	<u>3</u>	SUMMONS (8) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 03/05/2019)
03/05/2019	<u>4</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on March 5, 2019. (lcbah2) (Entered: 03/05/2019)
03/13/2019	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTRAL INTELLIGENCE AGENCY served on 3/11/2019 (Attachments: # <u>1</u> Exhibit proof of service)(Moss, Bradley) (Entered: 03/13/2019)
03/13/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF DEFENSE served on 3/11/2019 (Attachments: # <u>1</u> Exhibit proof of service)(Moss, Bradley) (Entered: 03/13/2019)
03/13/2019	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF STATE served on 3/11/2019 (Attachments: # <u>1</u> Exhibit proof of service)(Moss, Bradley) (Entered: 03/13/2019)
03/13/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF JUSTICE served on 3/11/2019 (Attachments: # <u>1</u> Exhibit proof of service)(Moss, Bradley) (Entered: 03/13/2019)
03/13/2019	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 03/11/2019. (Attachments: # <u>1</u> Exhibit proof of service)(Moss, Bradley) (Entered: 03/13/2019)
03/13/2019	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/11/2019. Answer due for ALL FEDERAL DEFENDANTS by 4/10/2019. (Attachments: # <u>1</u> Exhibit proof of service)(Moss, Bradley) (Entered: 03/13/2019)
04/05/2019	<u>11</u>	NOTICE of Appearance by Jason Todd Cohen on behalf of All Defendants (Cohen, Jason) (Entered: 04/05/2019)
04/05/2019	<u>12</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint,, by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT (Cohen, Jason) (Entered: 04/05/2019)
04/09/2019		MINUTE ORDER (paperless) GRANTING the defendants' <u>12</u> Motion for Extension of Time to Answer or Otherwise Respond to Complaint and DIRECTING the defendants to respond by May 10, 2019. Signed by Chief Judge Beryl A. Howell on April 9, 2019. (lcbah2) (Entered: 04/09/2019)
04/09/2019		Set/Reset Deadlines: Answer to the Complaint due by 5/10/2019. (tg) (Entered: 04/09/2019)
04/23/2019	<u>13</u>	NOTICE of Appearance by Mark Steven Zaid on behalf of All Plaintiffs (Zaid, Mark) (Entered: 04/23/2019)
05/10/2019	<u>14</u>	ANSWER to Complaint by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT.(Cohen, Jason) (Entered: 05/10/2019)

05/14/2019	<u>15</u>	MOTION for Leave to File <i>an Amended Complaint</i> by ADAM ENTOUS, JAMES MADISON PROJECT (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A – First Amended Complaint, # <u>3</u> Text of Proposed Order)(Moss, Bradley) (Entered: 05/14/2019)
06/03/2019		MINUTE ORDER (paperless) GRANTING the plaintiffs' <u>15</u> Motion for Leave to File Amended Complaint, which the government does not oppose. Signed by Chief Judge Beryl A. Howell on June 3, 2019. (lcbah2) (Entered: 06/03/2019)
06/03/2019	<u>16</u>	AMENDED COMPLAINT against CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT filed by ADAM ENTOUS, JAMES MADISON PROJECT.(zrdj) (Entered: 06/18/2019)
09/05/2019		MINUTE ORDER (paperless) TO SHOW CAUSE why this action should not be dismissed for failure to prosecute pursuant to Local Civil Rule 83.23. The amended complaint was docketed in June 2019 but no answer or response has been timely filed. Accordingly, the plaintiff is ORDERED to submit, by September 12, 2019, (1) a full explanation of why counsel for the parties have not jointly prepared and submitted a Meet and Confer Report to the Court, as required by the <u>4</u> Standing Order and (2) a full explanation of why this action should not be dismissed for failure to prosecute. If it is determined that the plaintiff has not shown good cause for failure to prosecute, the case will be dismissed pursuant to Local Civil Rule 83.23. Signed by Chief Judge Beryl A. Howell on September 5, 2019. (lcbah2) (Entered: 09/05/2019)
09/06/2019		Set/Reset Deadlines: Response to Show Cause due by 9/12/2019. (tg) (Entered: 09/06/2019)
09/11/2019	<u>17</u>	RESPONSE TO ORDER TO SHOW CAUSE by ADAM ENTOUS, JAMES MADISON PROJECT re Order,,, . (Attachments: # <u>1</u> Text of Proposed Order)(Zaid, Mark) (Entered: 09/11/2019)
09/11/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the plaintiffs' <u>17</u> Response to Order to Show Cause stating that the parties have been engaged in substantive discussions, that the parties file, by September 26, 2019, a Joint Status Report providing the information required by the <u>4</u> Standing Order; and further DIRECTING the government to file, by September 26, 2019, an explanation of the legal basis for its position that no answer or other response to the <u>16</u> First Amended Complaint need be filed. Signed by Chief Judge Beryl A. Howell on September 11, 2019. (lcbah2) (Entered: 09/11/2019)
09/12/2019		Set/Reset Deadlines: Joint Status Report due by 9/26/2019. Government's explanation due by 9/26/2019. (hmc) (Entered: 09/12/2019)
09/21/2019	<u>18</u>	Unopposed MOTION for Extension of Time to File <i>Joint Status Report</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT (Cohen, Jason) (Entered: 09/21/2019)
09/24/2019		MINUTE ORDER (paperless) GRANTING the defendants' <u>18</u> Unopposed Motion for Extension of Time to File Joint Status Report and DIRECTING the parties to file, by October 10, 2019, a Joint Status Report providing the information required by the <u>4</u> Standing Order; and further DIRECTING the government to file, by October 10, 2019, an explanation of the legal basis for its position that no answer or other response to the <u>16</u> First Amended Complaint need be filed. Signed by Chief Judge Beryl A. Howell on September 24, 2019. (lcbah2) (Entered: 09/24/2019)
09/24/2019		Set/Reset Deadlines: Joint Status Report due by 10/10/2019; government's response to Order of the Court due by 10/10/2019. (tg) (Entered: 09/24/2019)
09/24/2019	<u>19</u>	MOTION for Leave to File <i>Answer Out of Time</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT (Attachments: # <u>1</u> Answer to Amended Complaint)(Cohen, Jason) (Entered: 09/24/2019)

09/30/2019		MINUTE ORDER (paperless) GRANTING defendant's <u>19</u> Motion for Leave to File Answer out of Time and ACCEPTING for filing as of today, September 30, 2019, the Answer to the Amended Complaint. Signed by Chief Judge Beryl A. Howell on September 30, 2019. (lcbah2) (Entered: 09/30/2019)
09/30/2019	<u>20</u>	ANSWER to <u>16</u> Amended Complaint by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT.(zrdj) (Entered: 10/01/2019)
10/10/2019	<u>21</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT. (Cohen, Jason) (Entered: 10/10/2019)
10/17/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>21</u> Joint Status Report, that the parties file, by November 25, 2019, a further joint status report indicating whether any issues remain and, if so, a proposed schedule to govern future proceedings in this matter. Signed by Chief Judge Beryl A. Howell on October 17, 2019. (lcbah2) (Entered: 10/17/2019)
10/17/2019		Set/Reset Deadlines: Joint Status Report due by 11/25/2019. (ztg) (Entered: 10/17/2019)
11/02/2019	<u>23</u>	STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT. (Tepe, Sean) Modified date filed due to cmecf issues on 11/25/19 on 11/26/2019 (ztd). (Entered: 11/26/2019)
11/21/2019	<u>22</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Sean Michael Tepe on behalf of All Defendants Substituting for attorney Jason Cohen (Tepe, Sean) (Entered: 11/21/2019)
11/26/2019		MINUTE ORDER (paperless) DIRECTING, upon consideration of the defendants' <u>23</u> Status Report, that the parties file, by January 24, 2020, a joint status report indicating whether any issues remain and, if so, a proposed schedule to govern future proceedings in this matter. Signed by Chief Judge Beryl A. Howell on November 26, 2019. (lcbah2) (Entered: 11/26/2019)